

REMARKS/ARGUMENTS

This amendment is respectfully submitted in response to the non-final Office Action dated May 6, 2004.

I. **Introduction**

Claims 18-23 and 26-28 have been canceled. Claims 1, 5, 6, 8, 10 and 17 have been amended. Accordingly, claims 1-17, 24-25 and 29-35 are now pending.

Cancellation of non-elected claims 18-23 and 26-28 was done in response to the restriction requirement. Applicants reserve the right to pursue these claims in a divisional application in the future.

In the Office Action, the Examiner objected to claims 1 and 10 because of informalities. These claims have been amended in accordance with the Examiner's suggestions. **It is respectfully submitted that the amendments to claims 1 and 10 overcome the Examiner's objections of informalities.**

Claims 5-6 were rejected under 35 U.S.C. 112. Both claims have been amended in accordance with the Examiner's suggestions. **It is respectfully submitted that the amendments to claims 5-6 overcome the 35 U.S.C. 112 rejections.**

Claims 1-3, 7, and 24 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,222,909 to Qua, et al. (hereinafter "the Qua et al. patent"). In addition, claims 4, and 9-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Qua et al. patent in view of U.S. Patent No. 6,385,306 to Baxter, Jr. (hereinafter "the Baxter patent").

In each of these rejections, the Examiner relies on the Qua et al. patent as the principal reference. **As will be discussed below, the Qua et al. patent does not**

recite, teach, or suggest a device which retrieves, over a public telephone network, a voice message from a voice message system, and generating a digital audio file representing said message. Further, the other cited references do not supply any suggestion of such capabilities.

Claims 5, and 14-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Qua et al. patent in view of European Application No. EP 0,893,902 A2 to Yaker (hereinafter "the Yaker application"). Neither the Qua et al. patent nor the Yaker application, nor a combination of the two, teach or suggest the elements of receiving an E-mail message indicating that a voice message retrieved from the voice message system and forwarded to a service subscriber was reviewed, then accessing the voice mail system and causing the system to delete the voice message.

Finally, claims 29-35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Qua et al. patent in view of U.S. Patent No. 5,751,792 to Chau et al. (hereinafter "the Chau et al. patent"). Again, as will be discussed below, the Qua et al. patent does not recite, teach, or suggest a device which retrieves, over a public telephone network, a voice message from a voice message system, and generating a digital audio file representing said message. Further, the other cited references do not supply any suggestion of such capabilities.

Accordingly, as will be discussed below, none of the pending claims are anticipated or rendered obvious by the applied references.

Claims 6, 8, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicant thanks Examiner for this indication of allowability, and Claims 6, 8, and 17 have accordingly been rewritten in independent form, including all of the limitations of the base claim and any intervening claims. It is respectfully submitted that Claims 6, 8, and 17 are now allowable as amended.

In view of the above amendments and following remarks, it is respectfully submitted that all of the pending claims are patentable over the applied references.

II. Summary of the Invention and Discussion of the Applied References

1. Summary and Discussion of the Invention

The present invention is directed to methods and apparatus for retrieving voice mail messages, generating digital files of the messages, and sending the messages as IP packets to a service subscriber. Further, upon receiving a reply email message, the voice mail messages are deleted, either at the voice messaging system or at a stored copy of the message, or both. In another aspect of the invention, voice mail prompts are loaded in the voice messaging system, as directed by the subscriber.

In greater detail, one embodiment of the present invention utilizes a communications device which accesses a subscriber's voice message system. The device retrieves a voice message from the system, over a public telephone network. The device then generates a digital audio file representing the retrieved message, and sends the file as an attachment to an E-mail sent by the device to the subscriber.

In another embodiment, the inventive device receives an E-mail message indicating that the voice message was reviewed by the subscriber, and then controls the voice message system to cause it to delete the retrieved message.

2. The Qua et al. Patent

In contrast to the present invention, the Qua et al. patent describes an audio note taking service which permits a user to record audio information during a conversation on a communications device, and distribute the information to other users, utilizing voice mail and E-mail systems. The notes recorded by one party are independent from the notes recorded by the other parties.

The Examiner apparently equates the system of note taking in Qua et al. with Applicant's communications device. However, Applicant's communications device retrieves voice messages from a voice message system, whereas Qua et al. utilizes its system to upload recordings to a voice message system (col. 3 lns 64-66 "the user can also convert and/or forward the audio note to other users via the user's e-mail or voice mail addresses").

There is no teaching or suggestion in Qua et al. to retrieve voice messages from a voice message system, digitize those messages, and send them via an attachment to an e-mail to the subscriber. There is also no teaching or suggestion in Qua et al. to access the voice message system after a message has been reviewed by the subscriber, and cause the voice message system to delete the retrieved message.

Alternatively, if the Examiner means to equate the Qua et al. note recording system with Applicant's voice message system, and equate the user interface of Qua et al. (which controls the recording options) with Applicant's communications device, Applicant's invention is still not taught or suggested. In contrast to Applicant's device, the user interface of Qua et al. does not download the audio from a voice message system and then digitize that voice message. In the Qua et al. patent, the note recording system has the capability of digitizing an audio file, and forwarding that digitized file via e-mail. In Applicant's invention, the communications device retrieves the audio recording over a telecommunications network, and then digitizes the retrieved recording.

This distinction is important to each system, as the Qua et al. patent describes an integrated, coordinated system comprising a note recording system and a user interface that are designed to work and communicate together, whereas Applicant's invention is intended to allow the communications device to simply access a standard voice message system(s), that is not integrated or coordinated with it. The function of the voice message system in Applicant's invention is to perform its normal voice messaging operations, allowing the communications device to perform all other necessary (inventive) functions (such as digitization and e-mail forwarding). Therefore, there is no reason for, and no teaching in the Qua et al. patent which

suggests moving the digitizing functionality from the recording device (the note recording system) to the user interface, as specified in Applicant's pending claims.

Finally, there is no teaching or suggestion in the Qua et al. patent to receive an e-mail indicating that a forwarded voice message has been reviewed by a subscriber, and in response causing the voice message system to delete the message.

3. The Secondary References

The Yaker application describes a voice message system that allows the user to select retention periods. Even in combination with Qua et al., there is no teaching or suggestion of retrieving a voice message from a voice message system and digitizing the message. Nor is there any teaching or suggestion of receiving an e-mail indicating that a forwarded voice message has been reviewed by a subscriber, and in response causing the voice message system to delete the message. Therefore, the Yaker application does not correct the deficiencies in the Qua et al. reference.

The Chau et al. patent describes an adjunct message system that transfers messages from a subscriber's home voice mailbox to a network-based mailbox. Even in combination with Qua et al. and the Yaker application, there is no teaching or suggestion of retrieving a voice message from a voice message system and digitizing the message. Nor do the references suggest receiving an e-mail indicating that a forwarded voice message has been reviewed by a subscriber, and in response causing the voice message system to delete the message. Therefore, the Chau et al. patent also does not correct the deficiencies in the Qua et al. reference.

The Baxter patent describes digitizing an audio file and transmitting it via e-mail to a user-selected e-mail address. Even in combination with Qua et al., the Yaker application, and the Chau et al. patent, there is no teaching or suggestion of retrieving a voice message from a voice message system and digitizing the message. Nor do the references suggest receiving an e-mail indicating that a forwarded voice

message has been reviewed by a subscriber, and in response causing the voice message system to delete the message. Therefore, the Baxter patent also does not correct the deficiencies in the Qua et al. reference.

Further, it should also be noted that the Qua et al. patent refers to a "voice messaging system," but does not retrieve messages from the system, or manipulate the system in any way beyond leaving a voice message. Therefore, since the secondary references above relate to the processing of voice mail systems and messages, there would be no reason to think of combining their teachings with the Qua et al. patent. Their teachings would have no relevance to the audio note taking of the Qua et al. patent, nor is there any suggestion in the Qua et al. patent that such functionalities would be helpful in any way. Therefore, it would not be appropriate to combine the secondary references with the Qua et al. patent for 35 U.S.C. 103 purposes.

III. The Pending Claims Are Patentable

As discussed above, the principal reference used to reject each of the pending claims is the Qua et al. patent. The Qua et al. patent does not teach accessing a voice message system, retrieving, over a public telephone network, a voice message from the system, and generating a digital audio file from the retrieved message. Also, the Qua et al. patent does not teach receiving an e-mail indicating that a forwarded voice message has been reviewed by a subscriber, and in response causing the voice message system to delete the message. The secondary references applied by the Examiner do not make up for these deficiencies. Finally, there is nothing in any of the references to suggest combining the secondary references with the Qua et al. patent. Accordingly, in the discussion which follows, Applicant will restrict the discussion to the Qua et al. patent with the understanding that the secondary references do not show the elements identified and highlighted by Applicant.

In the claims which follow, at least the bold-highlighted features of the individual claims render them patentable over the applied references.

1. **Claims 1-13 Are Patentable**

Claim 1 and claims 2-5, 7, and 9-13 which depend therefrom are patentable because claim 1, as currently amended, recites:

A method of operating a communications device, the method comprising:
accessing a voice message system;
retrieving, over a public telephone network, a voice message from the voice message system;
generating a digital audio file representing said message; and
sending, using at least one Internet Protocol (IP) packet, the digital audio file representing said message to a service subscriber.

Objected to claims 6 & 8 have been amended in conformance with Examiner's suggestions, and are therefore patentable.

2. **Claims 14-17 Are Patentable**

Claim 14 and claims 15-16 which depend there from are patentable because claim 14, as currently amended, recites:

A method of controlling a voice message system, comprising:
receiving an E-mail message indicating that a voice message retrieved from said voice message system and forwarded to a service subscriber was reviewed;
in response to receiving said E-mail message,
accessing said voice message system; and
controlling said voice message system to delete said retrieved voice message.

The Examiner states on p.6 that:

... Qua does not teach the well known function of voice message systems of the **user deleting the voice message** (as pertains to claim 14 and 5), or accessing the system via telephone call and sending of control signal to delete as pertains to claim 15, nor that the

telephone used is a voice message retrieval and forwarding device as pertains to claim 16.

Yaker teaches enabling a user to delete (emphasis added) via use of DTMF signaling stored voice messages

In Applicant's invention, as highlighted in Claim 14 above, the **telecommunications device** accesses the voice mail system in response to receiving an e-mail message indicating that a voice message retrieved from the voice message system and forwarded to a service subscriber was reviewed. The subscriber (or user) is not directly involved with the deletion of the voice message from the voice message system. Neither the Qua et al. patent nor the Yaker application teach or suggest a device that causes the deletion of a voice message upon receiving an e-mail of any kind, to say nothing of an e-mail message that indicates "that a voice message retrieved from said voice message system and forwarded to a service subscriber was reviewed."

Objected to claim 17 has been amended in conformance with Examiner's suggestions, and is therefore patentable.

Therefore, it is respectfully submitted that Claims 14-17 are allowable, and the rejection of those claims should be withdrawn.

3. Claim 24 Is Patentable

Claim 24 is patentable because claim 24 recites:

A communication device, comprising:
 means for accessing a voice message system;
 means for retrieving a voice message from the voice message system over a public telephone network;
 means for generating an E-mail message including the retrieved voice message as an attached audio file; and
 means for sending the E-mail message to a service subscriber.

As discussed in reference to Claim 1 above, the above limitations are not taught or suggested in the Qua et al. patent alone, or in combination with the secondary references. Therefore, it is respectfully submitted that the Examiner withdraw the rejection of this claim.

4. Claim 25 Is Patentable

Claim 25 is patentable because claim 25 recites:

A device for controlling a voice message system, comprising:
means for receiving an E-mail message indicating that a voice message retrieved from said voice message system and forwarded to a service subscriber was reviewed;
means for accessing said voice message system in response to receiving said E-mail message; and
means for controlling said voice message system to delete said retrieved voice message.

Examiner has not stated any grounds upon which Claim 25 stands rejected. However, based on the arguments put forward above in relation to Claim 14, the above highlighted limitations are not found or suggested in any of the cited references. Therefore, it is respectfully submitted that the Examiner withdraw the rejection of this claim.

5. Claims 29-35 Are Patentable

Claim 29 and claims 30-35 which depend therefrom are patentable because claim 29 recites:

A method of operating a communications device coupled to a plurality of voice messaging systems, which are physically distinct units from said communications device, and to a computer system corresponding to a user of the communications device, the method comprising the steps of:
accessing the plurality of voice message systems corresponding to the user;
retrieving voice messages from at least some of the plurality of voice message systems; and
forwarding the retrieved voice messages to said computer system using at least one IP packet per message.

Along with the arguments above related to Claim 1, the additional limitation in Claim 29 of accessing and retrieving voice messages from a plurality of voice message systems, and forwarding the retrieved messages to a user's computer system are not taught or suggested in any of the cited references. Further, the Qua et al. patent teaches away from retrieving messages from a plurality of voice message systems. First, when the Qua et al. patent refers to "voice message systems," it doesn't refer to retrieving messages at all. Second, the audio note taking system of the Qua et al. patent is a centralized system. There is no suggestion of any need to have multiple note taking systems, and to retrieve messages from multiple systems for a particular user. On the contrary, the Qua et al. patent clearly intends for one audio note taking system to serve a particular client, who can access that system from anywhere. See col. 3, lns 61-63 "For example, the user can retrieve the audio note via any telephone communications device for replay of the stored communication."

Therefore, it is respectfully requested that the Examiner withdraw the rejection of these claims.

IV. Conclusion


In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, Applicant requests that the Examiner pass this application to issue.

If there are any outstanding issues which need to be resolved to place the application in condition for allowance the Examiner is invited to contact Applicant's undersigned representative by phone to discuss and hopefully resolve said issues. To the extent necessary, a petition for extension of time

under 37 C.F.R. 1.136 is hereby made, the fee for which should be charged to Patent Office deposit account number 07-2347.

Respectfully submitted,

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Joel Wall
Reg. No. 25,648
Tel.: (972) 718-4800

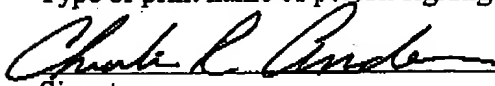
Verizon Corporate Services Group Inc.
600 Hidden Ridge Drive
Mail Code: HQE03H14
Irving, Texas 75038
(972) 718-4800

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